

**SNYDER BURNETT EGERER, LLP**

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Attorneys for Defendants STANLEY ZESCH and  
J MILNER ENTERPRISES INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

ANABEL CERVANTES

Plaintiff,

v.

STANLEY ZESCH; J MILNER  
ENTERPRISES, INC.; and DOES 1  
through 100, Inclusive,

Defendants.

Case No.

[Monterey County Superior Court  
Case No. 20CV001276]

**NOTICE OF REMOVAL OF  
ACTION UNDER 28 U.S.C. §§  
1332 AND 1441(b);  
DECLARATION OF JEFFREY  
Y. CHOI**

**TO THE CLERK OF THE ABOVE-CAPTIONED COURT:**

**PLEASE TAKE NOTICE** that defendants STANLEY ZESCH and  
J MILNER ENTERPRISES INC. (“defendants”) hereby remove the state court  
action described below to the above-captioned court on the following grounds:

1. On or about April 21, 2020, plaintiff ANABEL CERVANTES filed  
Case No. 20CV001276 in the Superior Court of the State of California, County of  
Monterey, entitled *Anabel Cervantes v. Stanley Zesch et al.* The Complaint asserts  
a cause of action for general negligence related to a motor vehicle accident. A true  
and correct copy of the Complaint is attached hereto as Exhibit 1. [*Declaration of*

1 *Jeffrey Y. Choi* (“*Choi Decl.*”), para. 3.]

2 2. Defendants accepted service of the Complaint through counsel on July  
3 13, 2020. [*Choi Decl.*, para. 3.]

4 3. As set forth below, this is a civil action between parties domiciled in  
5 different states, over which this court has original jurisdiction under 28 U.S.C. §  
6 1332, and which may be removed to this Court by defendant pursuant to the  
7 provisions of 28 U.S.C. § 1441(b).

8 4. Plaintiff is, and at all relevant times was, a resident and citizen of  
9 California. Plaintiff’s discovery responses dated September 1, 2020 indicate that at  
10 all relevant times, plaintiff has resided at 1313 Adams Street in Salinas, California  
11 93906. A true and correct copy of the pertinent portion of plaintiff’s discovery  
12 responses is attached hereto as Exhibit 2. [*Choi Decl.*, para. 4.]

13 5. Defendant Stanley Zesch is, and at all relevant times was, a resident  
14 and citizen of Missouri. [*Choi Decl.*, para. 5.]

15 6. Defendant J Milner Enterprises Inc. is, and at all relevant times was, a  
16 corporation duly organized and existing under the laws of Kansas, with its  
17 principal place of business in Allen, Kansas. [*Choi Decl.*, para. 5.]

18 7. Defendants are not, and at no relevant time, were citizens of  
19 California. [*Choi Decl.*, para. 5.]

20 8. The amount in controversy exceeds the \$75,000 jurisdictional  
21 minimum of this Court as confirmed by plaintiff. A true and correct copy of  
22 plaintiff’s response to defendants’ Request for a Statement of Damages dated  
23 September 1, 2020 is attached hereto as Exhibit 3. [*Choi Decl.*, para. 6.]

24 9. The time within which defendant is required to file a Notice of  
25 Removal has not yet expired. [*Choi Decl.*, para. 7.]

26 10. Removal to this Court is proper, as the Superior Court of the State of  
27 California, County of Monterey, where this action was commenced, is located  
28 within the Northern District of California.

1 11. Defendants will give written notice of the filing of this Notice as  
2 required and will also file a copy of this Notice with the Clerk of the Monterey  
3 County Superior Court, as required by 28 U.S.C. § 1446(d).

4 WHEREFORE, defendants respectfully request that the above-captioned  
5 matter be removed to this Court.

6  
7 Dated: September 17, 2020

SNYDER BURNETT EGERER, LLP

8  
9 */s/ Jeffrey Y. Choi*

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11 By: Jeffrey Y. Choi / Stacey L. Walker  
12 Attorneys for Defendants STANLEY  
13 ZESCH and J MILNER ENTERPRISES  
14 INC.  
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**DECLARATON OF JEFFREY Y. CHOI**

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2 1. I, Jeffrey Y. Choi, am an attorney duly licensed and admitted to  
3 practice before all of the courts of the state of California and the United States  
4 District Court for the Northern District of California. I am a partner at the firm of  
5 Snyder Burnett Egerer, LLP, counsel of record for defendants Stanley Zesch and J  
6 Milner Enterprises Inc (“defendants”). I have personal knowledge of the matters  
7 discussed herein, and if called upon as a witness to testify, I could and would  
8 competently do so.

9 2. This declaration is made in support of defendants’ Notice of Removal  
10 of Action under 28 U.S.C. §§1332 and 1441(b).

11 3. A true and correct copy of the state court Complaint filed by plaintiff  
12 in this action is attached hereto as Exhibit 1. Defendants accepted service of the  
13 Complaint through counsel on July 13, 2020.

14 4. Plaintiff is, and at all relevant times was, a resident and citizen of  
15 California. Plaintiff’s discovery responses dated September 1, 2020, indicate that  
16 at all relevant times, plaintiff has resided at 1313 Adams Street in Salinas,  
17 California 93906. A true and correct copy of the pertinent portion of plaintiff’s  
18 discovery responses is attached hereto as Exhibit 2.

19 5. Defendant Stanley Zesch is, and at all relevant times was, a resident  
20 and citizen of Missouri. Defendant J Milner Enterprises Inc. is, and at all relevant  
21 times was, a corporation duly organized and existing under the laws of Kansas,  
22 with its principal place of business in Allen, Kansas. Defendants have not, and at  
23 no relevant time, were citizens of California.

24 6. The amount in controversy exceeds the \$75,000 jurisdictional  
25 minimum of this Court as confirmed by plaintiff. A true and correct copy of  
26 plaintiff’s response to defendants’ Request for a Statement of Damages dated  
27 September 1, 2020 is attached hereto as Exhibit 3.

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7. The time within which defendant is required to file a Notice of Removal has not yet expired.

Executed this 17<sup>th</sup> day of September, 2020, in Santa Barbara, California.

/s/ Jeffrey Y. Choi

Jeffrey Y. Choi